

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled NOVEL PROTEINS WITHIN THE TYPE E BOTULINUM NEUROTOXIN COMPLEX, the specification of which

☐ is attached hereto.

☒ was filed on July 8, 1997 as Application Serial No. 08/889,354
and was amended on _____.

☐ was described and claimed in PCT International Application No. _____
filed on _____ and as amended under PCT Article 19 on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim the benefit under Title 35, United States Code, §119(e)(1) of any United States provisional application(s) listed below:

U.S. SERIAL NO.	FILING DATE	STATUS
<u>60/021,348</u>	<u>July 8, 1996</u>	<u>PENDING</u>

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

J. Peter Fasse, Reg. No. 32,983; John W. Freeman, Reg. No. 29,066; Timothy A. French, Reg. No. 30,175; John F. Hayden, Reg. No. 37,640; and Y. Rocky Tsao, Reg. No. 34,053

Address all telephone calls to J. Peter Fasse at telephone number 617/542-5070.

Address all correspondence to J. Peter Fasse, Fish & Richardson P.C., 225 Franklin Street, Boston, MA 02110-2804.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

COMBINED DECLARATION AND POWER OF ATTORNEY CONTINUED

Full Name of Inventor: Bal Ram Singh

Inventor's Signature: *Bal Ram Singh* Date: 12/5/97

Residence Address: Dartmouth, Massachusetts

Citizen of: India

Post Office Address: 4 Zenas Coven Lane, Dartmouth, MA 02748

Full Name of Inventor: Zhong Zhang

Inventor's Signature: *Zhong Zhang* Date: Nov. 15, 1997

Residence Address: New Bedford, Massachusetts

Citizen of: China

Post Office Address: 44 Liberty Street, New Bedford, MA 02740

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Applicant or Patentee: Bal Ram Singh et al.
 Serial or Patent No.: 08/889,354
 Filed or Issued: July 8, 1997
 For: NOVEL PROTEINS WITHIN THE TYPE E BOTULINUM NEUROTOXIN COMPLEX

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
 (37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization: University of Massachusetts
 Address of Organization: The President's Office, University of Massachusetts, 18 Tremont Street, Suite 800, Boston, MA 02108
 Type of Organization:

- ☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3))
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA
 (NAME OF STATE:)
 (CITATION OF STATUTE:)
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3)) IF
 LOCATED IN THE UNITED STATES OF AMERICA
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF
 AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA
 (NAME OF STATE:)
 (CITATION OF STATUTE:)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled NOVEL PROTEINS WITHIN THE TYPE E BOTULINUM NEUROTOXIN COMPLEX by inventors Bal Ram Singh and Zhong Zhang described in

- ☐ the specification filed herewith.
☒ application serial no. 08/889,354, filed July 8, 1997.
☐ patent no. , issued .

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Full Name: _____

Address: _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name: Joseph F.X. McGuirl

Title: Executive Director, Commercial Ventures and Intellectual Property

Address: The President's Office, University of Massachusetts, 18 Tremont Street, Suite 800, Boston, MA 02108

Signature:  Date: 3 NOV 97

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